THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 17093 of 2001

O r d e r:

Aggrieved by the action of the respondents in not considering the representations dated 06.10.1999 and 03.02.2000 of the petitioner for appointment on compassionate grounds, she filed the present writ petition.

The petitioner's husband while working with the respondents died in a road accident on 12.09.1999. After his death, she made representations to the respondents on 06.10.1999 and 03.02.2000 seeking appointment on compassionate grounds in vain. Hence, she filed the present writ petition.

The learned counsel for the petitioner submitted that the petitioner's husband died in a road accident while in service, and as per the corporate policy and the terms and conditions of the Memorandum of Agreement signed by the Workers' Unions with the Management, one of the dependants of the deceased employee is entitled to be appointed on compassionate grounds, and the action of the respondent in not considering the representations of the petitioner for appointment on compassionate grounds is illegal and arbitrary. He submits that earlier in the case of the other deceased employees, the respondents had provided appointment on compassionate grounds to one of the dependants of the deceased, and not providing employment to the petitioner on compassionate grounds for the death of her husband, is discriminatory.

The respondents filed counter. The learned Standing Counsel for the respondents submitted that the petitioner's husband died in a road accident while going on his personal work and not on any official work. He denied that similarly situated persons were provided compassionate appointment and contended that as per Clause 0.5.4 of the Memorandum of Agreement entered into between the Management and Workers' Union, employment is provided to the dependant of a workman who is permanently disables or dies as a result of accident while on duty. Pursuant to the death of her husband, the petitioner was paid an amount of Rs.11,10,058/- towards

terminal benefits and insurance. This apart, the petitioner is getting Rs. 4,287/- towards pension w.e.f. March, 2000 under the Power Grid Employees Contributory Pension Scheme and Rs. 1,750/- towards pension under the EPF Pension Scheme. He denied there is any discrimination and prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the material papers produced by the respondents.

Admittedly, the petitioner's husband died in a road accident while going on his personal work, and as per Clause 0.5.4 of the Memorandum of Agreement, entered into by the Management and the Workers' Union, the dependant of a workman, who dies as a result of an accident while on duty, alone is entitled to be provided employment on compassionate grounds, and inasmuch as the petitioner's husband died in a road accident while going on his personal work and not on duty, the petitioner who is a dependant of her husband, is not entitled to be provided employment on compassionate grounds. In similar facts situation, a Division Bench of this Court in W.A. No. 1707 of 2003, vide judgment dated 21.11.2003, upon considering the provisions of Clause 0.5.4 of the Memorandum of Agreement, upheld the order of the learned single Judge, refusing to grant of Mandamus directing the respondents to provide compassionate grounds. In that view of the matter, no exception can be taken to the action of the respondents in not considering the case of the petitioner for appointment on compassionate grounds.

The petitioner as a matter of right cannot claim appointment on compassionate grounds. Providing of appointment on compassionate grounds is an exception to the normal rule of recruitment, and it depends upon the statutory framework. Further, compassionate appointment is given to the dependant of the deceased employee to provide immediate succor to the bereaved family so that they can overcome the distress. Though, the death of an earning person brings distress to his family members, in the instant case, as is evidenced by the material produced by the respondents, the petitioner, after the death of her husband, was paid an amount of Rs.11,10,058/- towards terminal benefits and insurance. Apart from the terminal benefits, the material discloses that since March, 2000, the petitioner is getting Rs. 4,287/- towards pension under the Power Grid Employees Contributory Pension Scheme and Rs.1,750/- towards pension under the EPF Pension Scheme, 1995. The quantum of amount received by the petitioner towards terminal benefits of her husband and the quantum of pension being received by her, clearly go to show that

the petitioner is not in any financial distress.

For the foregoing reasons, I find no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 3rd April, 2006.

KSR